

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §
a class of others similarly situated, §

Plaintiffs, §

v. §

Case No. 1:08-cv-00248

DELL INC., §
and §

DELL MARKETING USA L.P., §

Defendants. §

**FACTUAL APPENDIX TO DEFENDANTS' OBJECTIONS TO THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to Local Rule CV-7, Defendants Dell Inc., Dell USA L.P., and Dell Marketing USA L.P. ("Dell") file this Factual Appendix in support of its Objections to the Report and Recommendation of the United States Magistrate Judge.

The specific evidence supporting the Objections is found in excerpts from the Deposition of Amy Atsumi, attached hereto.

Respectfully submitted,

/s/ Jeffrey C. Londa

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2009, a copy of the foregoing pleading was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system and by regular U.S. mail to all counsel of record.

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